

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA )  
 ) Criminal No. 10-229  
 v. ) [UNDER SEAL]  
 ) (18 U.S.C. §§ 371, 1029(a)(2)  
 ) and 1029(a)(3))  
 RAMAR J. GARDINER )  
 RICHARD G. FOSTER, JR. )  
 BRENTT K. ANTOINE )  
 JEAN A. SERAPHIN, )  
 a/k/a Allen DeBrosse )

INDICTMENT

COUNT ONE

THE CONSPIRACY AND ITS OBJECTS

The Grand Jury charges:

From on or about February 18, 2010, until on or about March 3, 2010, in the Western District of Pennsylvania and elsewhere, the defendants, RAMAR J. GARDINER, RICHARD G. FOSTER, JR., BRENTT K. ANTOINE and JEAN A. SERAPHIN, a/k/a Allen DeBrosse, knowingly and willfully did conspire, combine, confederate and agree together and with each other, and with other persons unknown to the grand jury, to commit offenses against the United States, that is:

(a) to knowingly and with intent to defraud produce, use or traffic in one or more counterfeit access devices, in violation of Title 18, United States Code, Section 1029(a)(1);

(b) to knowingly and with intent to defraud traffic in or use one or more unauthorized access devices during any one year period, and by such conduct obtain anything of value aggregating

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\$1,000.00 or more during that period, in violation of Title 18, United States Code, Section 1029(a)(2);

c) to knowingly and with intent to defraud possess fifteen or more access devices which are counterfeit or unauthorized access devices, in violation of Title 18, United States Code Section 1029(a)(3).

MANNER AND MEANS OF THE CONSPIRACY

It was a part of the conspiracy that the defendants unlawfully obtain bank or credit card account numbers without the knowledge or authorization of the authorized account holder.

It was further a part of the conspiracy that the defendants then produce, or obtain, counterfeited credit cards containing the unauthorized account credit card account numbers embossed onto the credit card, and encoded onto the magnetic strip on the reverse side of the card, containing both Track 1 and Track 2 data.

It was further a part of the conspiracy that the defendants then leave New York, in and around March 3, 2010, with the counterfeited credit cards, and did travel into Pennsylvania, with the intent to traffic in and use the counterfeited credit cards to purchase stored value gift cards at retail stores in Western Pennsylvania, including Giant Eagle and WalMart stores.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects of the conspiracy, the defendants, RAMAR J. GARDINER, RICHARD G. FOSTER, JR., BRENTT K. ANTOINE, and JEAN A. SERAPHIN, a/k/a Allen DeBrosse, did commit and cause to be committed, the following overt acts, among others, in the Western District of Pennsylvania:

(a) On or about February 18, 2010, a person known to the Grand Jury as M.C., from Brooklyn, New York, rented a white, 2009 Dodge Caravan, which minivan the defendants used to drive to Western Pennsylvania with the counterfeited credit cards to purchase gift cards at Giant Eagle and WalMart stores in Western Pennsylvania;

(b) On or about March 3, 2010, unauthorized purchases of gift cards were made at the retail stores listed below in the following locations in the Western District of Pennsylvania with counterfeited credit cards found in the possession of the defendants, RAMAR J. GARDINER, RICHARD G. FOSTER, JR., BRENTT K. ANTOINE, and JEAN A. SERAPHIN, a/k/a Allen DeBrosse:

<u>Store</u>	<u>Location</u>	<u>Merchandise</u>
Giant Eagle	Ligonier, PA	Best Buy gift cards
Giant Eagle	Latrobe, PA	Best Buy gift cards
Giant Eagle/GetGo	Latrobe, PA	Visa/Amex gift cards
Giant Eagle	Greensburg, PA	Best Buy and Nordstrom gift cards

WalMart	Greensburg, PA	gift cards
Giant Eagle	Greensburg, PA	Best Buy gift cards
Giant Eagle	North Huntingdon, PA	Best Buy gift cards
Giant Eagle/GetGo	Irwin, PA	Home Depot gift cards
Giant Eagle	McKeesport, PA	Best Buy gift cards
Giant Eagle	West Mifflin, PA	Best Buy gift cards
Walmart	Bethel Park, PA	gift cards
Walmart	Carnegie, PA	gift cards

(c) On or about March 3, 2010, the defendants, RAMAR J. GARDINER, RICHARD G. FOSTER, JR., BRENTT K. ANTOINE, and JEAN A. SERAPHIN, a/k/a Allen DeBrosse, did conceal thirty-eight counterfeited credit cards in the name of Brandon Anderson and Sean Francis, store receipts, and multiple gift cards such as Best Buy, Nordstrom, and others, totaling approximately \$26,800, in a locked metal safe located in the 2009 white Dodge Caravan which the defendant, RAMAR J. GARDINER, was driving, and the defendants, RICHARD G. FOSTER, JR., BRENTT K. ANTOINE and JEAN A. SERAPHIN, a/k/a Allen DeBrosse, were passengers.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

The Grand Jury further charges:

On or about March 3, 2010, in the Western District of Pennsylvania, the defendants, RAMAR J. GARDINER, RICHARD G. FOSTER, JR., BRENTT K. ANTOINE and JEAN A. SERAPHIN, a/k/a Allen DeBrosse, did knowingly and with intent to defraud, possess fifteen or more access devices which are counterfeit or unauthorized access devices, to wit, the defendants did possess thirty-eight counterfeited credit cards, and seventy-six unauthorized gift cards from retailers such as Amex, Best Buy, Nordstrom and Visa, said offense affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(3).

COUNT THREE

The Grand Jury further charges:

On or about March 3, 2010, in the Western District of Pennsylvania, the defendant, RICHARD G. FOSTER, JR., did knowingly and with intent to defraud, traffic in and use one or more unauthorized access devices during any one year period, and by such conduct did obtain anything of value aggregating \$1,000.00 or more during that period, to wit, the defendant did use a stolen credit or bank account number ending in xxx9177, at a Giant Eagle store in Greensburg, Pennsylvania, and by such use did obtain Best Buy gift cards totaling \$3,000.00, said offense affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(2).

COUNT FOUR

The Grand Jury further charges:

On or about March 3, 2010, in the Western District of Pennsylvania, the defendant, RICHARD G. FOSTER, JR., did knowingly and with intent to defraud, traffic in and use one or more unauthorized access devices during any one year period, and by such conduct did obtain anything of value aggregating \$1,000.00 or more during that period, to wit, the defendant did use a stolen credit or bank account number ending in xxx6183, at a Giant Eagle store in Greensburg, Pennsylvania, and by such use did obtain Best Buy and Nordstrom gift cards totalling \$4,004.99, said offense affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(2).

FORFEITURE ALLEGATIONS

1. The Grand Jury realleges and incorporates by reference the allegations contained in Counts One through Four of this Indictment for the purpose of alleging criminal forfeitures pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses set forth in Counts One through Four of this Indictment, the defendants, RAMAR J. GARDINER, RICHARD G. FOSTER JR., BRENTT K. ANTOINE and JEAN A. SERAPHIN, a/k/a Allen DeBrosse, shall forfeit to the United States of America --

(A) pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violations; and

(B) pursuant to Title 18, United States Code, Section 1029(c)(1)(C), any personal property used or intended to be used to commit the offenses. The property to be forfeited includes, but is not limited to, the counterfeited credit cards, and gift cards from retailers such as Amex, Home Depot, Best Buy, Nordstrom and Visa, referenced in Counts One through Four of the Indictment.

3. If any of the property described above, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;



b. has been transferred or sold to, or deposited with,  
a third party;

c. has been placed beyond the jurisdiction of the  
court;

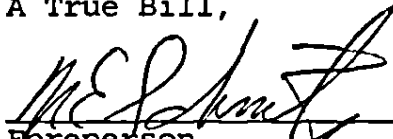
d. has been substantially diminished in value; or


e. has been commingled with other property which cannot  
be divided without difficulty,

the United States of America shall be entitled to forfeiture of  
substitute property pursuant to Title 21, United States Code,  
Section 853(p), as incorporated by Title 18, United States Code,  
Sections 982(b)(1) and 1029(c)(2) and Title 28, United States Code,  
Section 2461(c).

All pursuant to Title 18, United States Code, Sections  
982(a)(2)(B) and 1029(c)(1)(C), and Title 28, United States Code,  
Section 2461(c).

A True Bill,

  
Foreperson

  
DAVID J. HICKTON  
United States Attorney  
PA ID No. 34524